

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION  
5:23-CR-00192-M-1

UNITED STATES OF AMERICA )  
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 v. ) SENTENCING MEMORANDUM  
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 ERIC CHARLES WELTON )

NOW COMES Defendant, Eric Charles Welton, by and through undersigned counsel, and respectfully submits the following sentencing memorandum to supplement the record and provide this Honorable Court with additional information regarding the factors under 18 U.S.C. § 3553(a).

**STATEMENT OF FACTS**

Mr. Welton is highly educated in computer science and related fields. He graduated from the University of Illinois at Urbana-Champaign with a degree in computer science and another in a self-designed cognitive science major. D.E. 44 7:6–25, 8:10–15. He also earned a master’s degree from the University of California at San Diego. *Id.* He worked at research institutes, a computational neuroscience lab, and the National Center for Supercomputing Applications. *Id.*

Around 2004, Mr. Welton left the United States and moved to Thailand. There, he met his wife, Aoy, and her daughter, Eve. *Id.* at 5:10–18. Mr. Welton and Aoy eventually married, and the family built a life together in Pai, Thailand. They started a farm that develops soil; raises fish, chicken, and ducks; and grows sugarcane, vegetables, chrysanthemums, and other crops. The food grown on the farm is used in the restaurant the family owns and operates. Mr. Welton and Aoy also opened a feline rescue. All in all, the couple supports up to twenty families at a time by providing jobs, healthcare, and housing. This is the community to which Mr. Welton

seeks to return.

After building his community in Thailand, Mr. Welton and his family decided to move to Portland, Oregon in 2012. He navigated the complex immigration system and secured visas for his wife and daughter, and they both eventually received green cards and social security cards. Mr. Welton also formally adopted Eve, and she secured her citizenship.

During that time period, Obamacare was implemented and Aoy's health declined. She began collapsing and losing the use of her hands. She was eventually diagnosed with Grave's disease, an autoimmune disease in which the immune system attacks the thyroid. *Grave's Disease*, CLEVELAND CLINIC, <https://my.clevelandclinic.org/health/diseases/15244-graves-disease> (July 6, 2022). Because the family had recently immigrated to the United States, they did not have paystubs to prove employment, and they were automatically enrolled in a program run by the state of Oregon for healthcare. Mr. Welton was self-employed at the time and did not want to lose the income he made from that job. This left the family in a bind regarding healthcare. They could not unenroll from the state program unless Mr. Welton quit his job, but if he quit his job they would not have any income. In the meantime, doctors could not take cash payments to treat Aoy because she was enrolled in the state healthcare program. And because Aoy had her green card for less than five years, she could only receive life-saving treatment at the emergency room without cost; everything else would be out of pocket.

To try to resolve this dilemma and get treatment for his wife, Mr. Welton spent thirty or more hours a week fighting the healthcare system. To say that was daunting is clearly an understatement. Additionally, he had to cope with the Alternative Minimum Tax given that it was going to impose a hefty bill on his family and require selling their house. That burden, compounded by a full-time job; being a sole parent to his daughter since his wife was very ill;

and caring for his ailing wife while trying to navigate the ever broken healthcare system, led to significant repercussions for Mr. Welton's health. It is no wonder, Mr. Welton began experiencing post-traumatic stress disorder (PTSD) symptoms such as nightmares, elevated heart rate, and claustrophobia. D.E. 44 6:3–4. He developed an aversion to ringing sounds in phones and doorbells. He eventually sought psychological treatment for these issues, but the damage was sadly already done.

Finally, in 2015 Mr. Welton returned to Thailand. While there he continued receiving psychological treatment. He also continued his remote work in the computer science space and running the family businesses. Mr. Welton's life and mental health eventually progressed while in Thailand. The only times Mr. Welton experienced health problems between 2015 and 2019 were during his limited business trips to the United States. Each trip, no matter how brief, triggered his PTSD-like symptoms and made him feel ill. This was the terrible reality he was living in.

In March 2020, Mr. Welton and Aoy were in Buenos Aires, Argentina for a work trip and vacation when the COVID-19 pandemic broke out. The city went into martial law, and Mr. Welton and Aoy had to figure out how to leave the country. The Thai embassy was able to get Aoy back to Thailand. However, Mr. Welton's Thai visa status was in flux, so he was left to either stay in Buenos Aires where he did not know the language and live under martial law or return to the United States. He took one of the last flights out to Miami.

Mr. Welton went to live with his father, Richard Welton, in Iowa and spend time with him after his terminal cancer diagnosis. Being back in the United States brought Mr. Welton right back to the stress he experienced between 2012 and 2015. It was during that time that he also began receiving unsolicited political communication. These communications first came

from the Iowa GOP. Because Mr. Welton is not a registered Republican, he tried to unsubscribe via the company that partnered with the Iowa GOP, Nation Builder, to send out those emails.

*NationBuilder*, <https://nationbuilder.com/about> (last visited March 31, 2025). Nation Builder is a software company that assists campaigns with data collection and communication. *Id.* It partners with other digital companies that use its platform as well. *Id.* Both the Iowa and North Carolina GOP used Nation Builder software through partnerships in 2020, and those groups were among those contacting Mr. Welton. He contacted Nation Builder and its partners to try and stop the emails but to no avail.

Mr. Welton then received emails from the Trump campaign, the Republican Party, and even the Klu Klux Klan (KKK). Several of these organizations were based in North Carolina. Mr. Welton never opted in to receiving these communications but received them via email to multiple addresses. He does not align politically, philosophically, or morally with these organizations in any way, yet he was incessantly, involuntarily bombarded with their messaging. Being unwillingly subjected to such offensive messaging combined with the other stressors he was having to navigate at such time, these tense and stressful experiences triggered Mr. Welton's PTSD symptoms for which he sought further counseling.

Notably, there was no way for Mr. Welton to escape these political communications. The CAN-SPAM Act, which established requirements for commercial messages and gave recipients the right to opt out of emails from corporations, only applies to commercial speech. *CAN-SPAM Act: A Compliance Guide for Business*, FEDERAL TRADE COMMISSION, <https://www.ftc.gov/business-guidance/resources/can-spam-act-compliance-guide-business> (August 2023). That means that non-commercial—i.e. political—speech is not covered by the law, and campaigns are not required to allow people to opt out of communications. *Candid*

*answers to CAN-SPAM questions*, FEDERAL TRADE COMMISSION, <https://www.ftc.gov/business-guidance/blog/2015/08/candid-answers-can-spam-questions> (August 18, 2015). Ironically, Mr. Welton spent much of his career fighting that very problem. He championed implementing protections for consumers like the General Data Protection Regulation (GDPR) used in the European Union and wants similar protections for Americans. *What is GDPR, the EU's new data protection law*, GDPR.EU, <https://gdpr.eu/what-is-gdpr/> (last visited March 31, 2025). Without those protections, Mr. Welton was left to call politicians' offices, the GOP, the FBI, and other organizations to cease the unwanted and undesirable communications. He even called the Iowa State's Attorney and confirmed he did not have the right to unsubscribe from these emails.

When these attempts did not work, Mr. Welton escaped to nature to try and find relief. He specifically sought out national forests, not national parks, for the solitude they offer. He also went to a doctor and received counseling and a prescription for benzodiazepines to combat the PTSD-like symptoms he felt after receiving unsolicited and unceasing political emails. Unfortunately, he continued receiving such communications from campaigns using Nation Builder and its partner.

Mr. Welton returned to Thailand in the fall of 2020. Even while living abroad he continued getting unsought political emails from which he could not unsubscribe. His PTSD-like symptoms were not subsiding, and he began drinking and taking his prescribed benzodiazepines. That combination and the frustration he felt at not being heard spurred Mr. Welton to make a phone call to Senator Tillis' office in Raleigh, North Carolina on September 29, 2021. Mr. Welton made this phone call from a laptop in Thailand.<sup>1</sup> The call was recorded, and Mr.

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<sup>1</sup> Mr. Welton does not use cellphones in a traditional sense. He primarily uses them as a Wi-Fi hotspot when travelling and typically does not receive incoming calls on them. All calls made in this case were made via Skype on laptops.

Welton's language and tone caused concern.

That call formed the basis of the Complaint filed against Mr. Welton in December 2021 charging him with threatening Senator Tillis. D.E. 1. An arrest warrant was issued that same day. D.E. 2. Ironically, by that time, Mr. Welton stopped getting emails.

In the summer of 2022 Richard Welton's health continued to decline. Mr. Welton began the process of getting Aoy a two-week tourist visa so she could come see her ailing father-in-law. This required an interview. During the interview, the consulate officer verbally attacked Aoy. He told her she had been in the United States illegally, despite previously having a green card, and that her daughter was not a legal citizen. Aoy was not allowed to explain that she had a green card between 2012-2015 but returned it when she returned to Thailand to avoid tax liability. The officer then threatened to deport Eve and told Aoy that if Eve truly was a citizen, she would be able to resolve the deportation and come back to the United States. Aoy's visa was denied. Mr. Welton filed a Freedom of Information Act (FOIA) request, contacted the Department of State Office of the Inspector General, the Department of Justice Office of Civil Rights, and congressional representatives to resolve the denial. Unfortunately, it could not be reviewed due to consular non-reviewability, a legal doctrine that prevents applicants from legally challenging the denial of visas except in rare circumstances. *Why Everyone Should Care About the “Doctrine of Consular Nonreviewability”*, AILA, <https://www.aila.org/blog/why-everyone-should-care-about-the-doctrine-of-consular-nonreviewability> (Nov. 22, 2022). Mr. Welton was therefore left with no recourse to correct the racist treatment his wife received and the threat to his daughter.

He became incensed and again felt the symptoms of PTSD. He experienced the culmination of the years spent fighting the United States government for healthcare for his wife,

the barrage of unsolicited political communications from which he could not escape, and the unjust treatment of his family by the consulate. These circumstances psychologically harmed Mr. Welton. He tried to resolve these problems through prescribed means but was sadly unsuccessful, and not for lack of reasonably trying either. Nothing he did made the problems stop, and he became a victim of the very systems he spent his career trying to change. So, he began drinking heavily again while taking his benzodiazepines, and while under the influence on November 2, 2022, made a phone call threatening U.S. Marines at the U.S. consulate in Chiang Mai, Thailand.

That call formed the basis for the second charge added to the Superseding Complaint filed on December 6, 2022, and another arrest warrant was issued. D.E. 5. After the call, sometime in December 2022, Mr. Welton went to the U.S. consulate in person to surrender but was not arrested at that time.

Several months later, Mr. Welton was on his way to ID4Africa in Nairobi, Kenya. ID4Africa is an organization “dedicated to assisting African nations build strategic capacity needed for developing robust and responsible identity ecosystems in the service of development and humanitarian action.” *ID4Africa*, <https://id4africa.com/> (last visited March 31, 2025). This was the first international trip he took out of Thailand in several years. Unbeknownst to Mr. Welton, his passport had been revoked.<sup>2</sup> Even with the revoked passport, Mr. Welton was given a Kenyan visa and stopped for a layover in Ethiopia with no problems. He even entered Kenya without issue and arranged additional international trips while there. It was only when he was leaving Zambia that Mr. Welton became aware that there was an issue with his passport. That was when he was detained and sent back to the United States with a temporary passport.

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<sup>2</sup> It is unclear exactly when the revocation occurred.

Mr. Welton was arrested on May 25, 2023, and interviewed in Atlanta at the Atlanta Hartsfield Airport. As part of the arrest, officers seized personal property from Mr. Welton, including a portfolio, a Buddha, blessings, his wedding ring, gifts, and items belonging to Aoy.<sup>3</sup> These items have religious and sentimental value and should be returned to Mr. Welton upon his release from custody.

A detention hearing was then held in the Northern District of Georgia. That is when Mr. Welton first learned his passport was revoked. There, Assistant United States Attorney Radics (AUSA Radics) filed a motion for detention in which he stated both Aoy and Eve live in Thailand. D.E. 15-1 p 1. That is incorrect. Eve is a U.S. citizen and has lived in the United States for several years. AUSA Radics also claimed that Mr. Welton was simply upset because his wife was denied a visa to visit the United States. *Id.* However, this ignores the context of Mr. Welton's struggles living in the U.S. from 2012-2015, the endless political communication he received, the racist treatment Aoy endured during the visa process, and the threat made to Eve. These issues occurred for years without resolution despite Mr. Welton's best efforts to do so civilly. But the lack of progress, PTSD, and substance abuse finally caught up with him and led to the phone calls. These circumstances do not make Mr. Welton "quick to anger . . . following even slight provocation." *Id.* at 2. For Mr. Welton, these issues occurred over years and inflicted serious harm on his health.

Notably, there is no evidence Mr. Welton took any steps to act on any of the threats. He never had any weapons and never came to North Carolina until his arrest. His background confirms that he is not a violent person—he was upset about the political polarization of the

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<sup>3</sup> Officers also seized four phones. Two of those phones were being retrofitted for Mr. Welton's restaurant to use as ordering devices. The third was old and simply used to watch movies on planes. The fourth was used as a wi-fi hotspot, and the only calls on it were to Aoy. Mr. Welton provided agents the numbers and his Skype information. These phones had no evidentiary value and were returned to Mr. Welton during the course of this case.

United States and his inability to opt out of it. The combination of strong feelings towards the U.S.'s political climate and substance abuse are what drove him to make the phone calls. Mr. Welton understands that these calls were wrong, and he accepts responsibility for his actions. However, it is important that this Court is aware of the full context leading up to these calls.

After the detention hearing, Mr. Welton was transferred to the Eastern District of North Carolina. In June 2023 a grand jury indicted him on one count of threatening Senator Tillis and one count of threatening U.S. Marines at the consulate in Chiang Mai. D.E. 16.

Ultimately, Mr. Welton is a passionate advocate for data security. Upon release he plans to spend time with his ailing father and return to Thailand to care for his wife and their community. Thailand is his true home and where he can live in peace. Mr. Welton respectfully requests that this Honorable Court consider these circumstances when fashioning a sentence that is sufficient but not greater than necessary.

Respectfully submitted this 31st day of March 2025.

GUIRGUIS LAW, PA

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CERTIFICATE OF SERVICE

I hereby certify that the foregoing document was served upon the Assistant Attorney for the United States via the CM/ECF filing system to the electronic mail address below:

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This 31st day of March 2025.

GUIRGUIS LAW, PA

/s/ Nardine Mary Guirguis  
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*Retained*